

nervous disorders, rheumatism, lumbago, and neuritis; that it would produce a sedative or quieting effect and establish a normal equilibrium of the nervous system; that it would relieve painful sensations; that it would be efficacious as a stimulant and tonic; that it would be efficacious for facial, body, spinal, and scalp treatments; that it would stimulate the hair; that it would be efficacious for treatment of the eyes and ears; that it would be efficacious in the treatment of cystitis, strictures, gonorrhea, and prostate and vaginal troubles; that it would promote circulation; that it would aid beauty and health by gently stimulating the flow of blood; that it would be helpful in relieving pain and congestion and in restoring good health and vigor; that it would be helpful in removing facial blemishes and in promoting a clear, healthful complexion; and that it would aid in the removal of dandruff and assist in stopping falling hair. The device was not an effective treatment for the conditions stated and implied, and it was not capable of producing the effects claimed.

DISPOSITION: April 24, 1951. Default decree of condemnation. The court ordered that the devices be released to the Food and Drug Administration.

3459. Misbranding of Duframe Anal Tubette. U. S. v. 5,000 Devices, etc (F. D. C. No. 30250. Sample No. 58803-K.)

LIBEL FILED: November 21, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On various dates between April 14 and October 21, 1948, from Detroit, Mich.

PRODUCT: 5,000 devices known as *Duframe Anal Tubette* at Chicago, Ill., in possession of the Duframe Tubette Co. Some of the devices were unlabeled, and others had been packed and labeled in part by the consignee. They were accompanied by a number of copies of leaflets entitled "About Gas * * * About Constipation" and "Instructions," a testimonial letter signed "Mrs. Anne Schwab," and form letters starting "Thank you for your inquiry" and "Thank you for your letter and order."

The device consisted of a hollow rubber tube about 80 millimeters long and 14 millimeters outside diameter. The inside diameter was about 8 millimeters at one end, constricted to about 3 millimeters at the other end. The tube was bent at a right angle near the constricted end.

RESULTS OF INVESTIGATION: A copy of each leaflet and testimonial was packed with each device, and the form letters were sent to interested persons.

LABEL, IN PART: (Carton) "Duframe Anal Tubette."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying leaflets and letters were false and misleading. The statements represented and suggested that the device was effective in the relief of dizziness, headache, pain in the abdomen and other parts of the body, bloat, swelling due to gas, and chronic constipation and gas pains due to intestinal disorders or organic complaints; that the device was effective in regulating the bowel, normalizing the bowel, and preventing constipation; and that the device would help release toxic poisons. The device would not be effective for the purposes represented. The device was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 6, 1951. The Duframe Tubette Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for the purpose of bringing them into compliance with the law, by destroying the existing labeling

and advertising material and relabeling the devices, under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE

3460. Misbranding of Treet L-C, Treet Vapo Spray, Treet Coryza Inhibitor, and Treet Powders Nico-Phen. U. S. v. Hilltop Farm Feed Co. and Frank E. Moore. Pleas of guilty. Individual defendant fined \$500 on count 1; imposition of sentence on remaining counts against individual suspended, and he was placed on probation for 3 years. No sentence imposed against company. (F. D. C. No. 28129. Sample Nos. 25577-K, 25904-K, 44564-K, 44565-K.)

INFORMATION FILED: November 17, 1950, District of Minnesota, against the Hilltop Farm Feed Co., a corporation, Minneapolis, Minn., and Frank E. Moore, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about September 25 and December 24, 1948, and February 8 and 9, 1949, from the State of Minnesota into the States of Wisconsin and North Dakota.

PRODUCT: Analysis disclosed that the *Treet L-C* consisted of a copper-colored solution containing hydrochloric acid, copper sulfate, and organic nitrogenous compounds (sulfanilamide derivatives); that the *Treet Vapo Spray* consisted essentially of a milky emulsion containing nonvolatile fatty material, formaldehyde, and methyl salicylate; that the *Treet Coryza Inhibitor* contained sulfathiazole sodium; and that the *Treet Powders Nico-Phen* consisted essentially of nicotine, phenothiazine, and phenolphthalein.

LABEL, IN PART: "Treet L-C [or "Vapo Spray," "Coryza Inhibitor," or "Powders Nico-Phen"] Treet Laboratories Division of Hilltop Farm Feed Co."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the *Treet L-C* would be efficacious in the prevention and treatment of avian leukosis complex, including range paralysis, leukemia, and various neoplastic diseases; that the *Treet Vapo Spray* would be efficacious in the prevention of coryza (colds) and roup in poultry; that the *Treet Coryza Inhibitor* would be efficacious in the treatment of roup in poultry; and that the *Treet Powders Nico-Phen* would be efficacious to remove all species of roundworms and tapeworms in poultry. The articles would not be efficacious for the purposes represented.

DISPOSITION: May 4, 1951. Pleas of guilty having been entered, the court imposed a fine of \$500 on count 1 against the individual defendant, but suspended the imposition of sentence on the remaining 3 counts and placed him on probation for 3 years. No sentence was imposed against the company.

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¹ (3457) Seizure contested. Contains opinions of the court.